REMARKS

The Examiner is thanked for his careful and very thorough Office Action. Claims 1-5, 9-12, 14-19, and 23-26 have been rejected, and claims 6-8, 13, 20-22, and 27 have been objected to.

Claims 1, 9, 14, and 23 are hereby amended. These amendments are being offered to overcome technical objections, not for any substantive reason or to avoid any cited art.

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PAGE 13/27 * RCVD AT 7/21/2005 6:14:09 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:972 980 5841 * DURATION (mm-ss):09-00

Review of the References

Khan relates to a system that is:

"for selection and formatting of web content for remote wireless viewing.[1]" "The user is allowed to interact with the content and the user is not only able to receive information, but is also able to send information from the wireless device.[2]"

It is respectfully submitted that this patent does not teach or suggest a visual server capable of generating images based upon data obtained from a client. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

Rejections Under 35 USC 102(e)

Claims 1-5, 9-12, 14-19, and 23-26 stand rejected as being anticipated by Khan et al. For the purpose of discussion, claim 1 (as amended) is reproduced below:

> 1.   An image display system, comprising:
> a visual server having image processing capabilities wherein the visual server selectively receives <u>image-modifying data</u> <u>corresponding to a generated image</u>, generates a modified image based upon the image-modifying data, and transmits the modified image as compressed data; and
> at least one client in selective communication with the visual server, the client including an image display, the client further

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[1] Khan, Col. 1, ll. 53-55
[2] Khan, Col. 7, ll. 1-4

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selectively generating image-modifying data and transmitting the image-modifying data to the visual server, and the client receiving as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompressing the compressed image data, and displaying the decompressed image on the client image display. [emphasis added]

1.   Khan teaches a network gateway to download "content from a website", not a visual server that generates a modified image based upon the image-modifying data and transmits the modified image as compressed data.

Examiner has suggested that *"Khan teaches an image display system (fig. 3), comprising a visual server (304, fig. 3) having image processing capabilities wherein the server selectively receives **image-modifying data corresponding to a generated image** (202, fig, 3; col. 10, line 44; Khan discloses the use of receiving (in operation 202) a user-defined information (image modifying data))."* [emphasis added.]

Applicant respectfully disagrees with this assertion by examiner. While Khan does teach a method by which data, possibly including images, may be transmitted to a client, it fails to teach a server that **generates a modified image based upon the image-modifying data and transmits the modified image as compressed data.** Khan allows for "general or specific content to be retrieved

for online or offline viewing,"[3] not the ability to **generate a modified image based upon the image-modifying data and transmits the modified image as compressed data.** As cited, Khan is directed towards allowing a wireless device to select which content from a website will be downloaded; "such content can be hyperlinks, images, text, tables, secure information such as account information, email, and audio and video data."[4] Khan is not directed to the problem of the present application which provides:

> "...a commercial advantage in that the client can interactively generate complex graphical images to a user without the need for significant client resources. The system can be implemented with existing networking and communication technology between the client and the visual server, and the image data can be transmitted with known data compression protocols. Further, the visual server and its associated components are readily updateable and maintainable without having to directly access the individual client applications utilizing the image generating capabilities of the visual server."[5]

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). In addition, all limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). The

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[3] Khan, Col. 1, *ll* 56-57
[4] Khan, Col 1. 66-67 - Col 2, *ll.* 1
[5] Application, Pg. 5, *ll.* 24-30

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cited Khan reference fails to teach or suggest a server that **generates a modified image based upon the image-modifying data and transmits the modified image as compressed data** as claimed in claim 1.
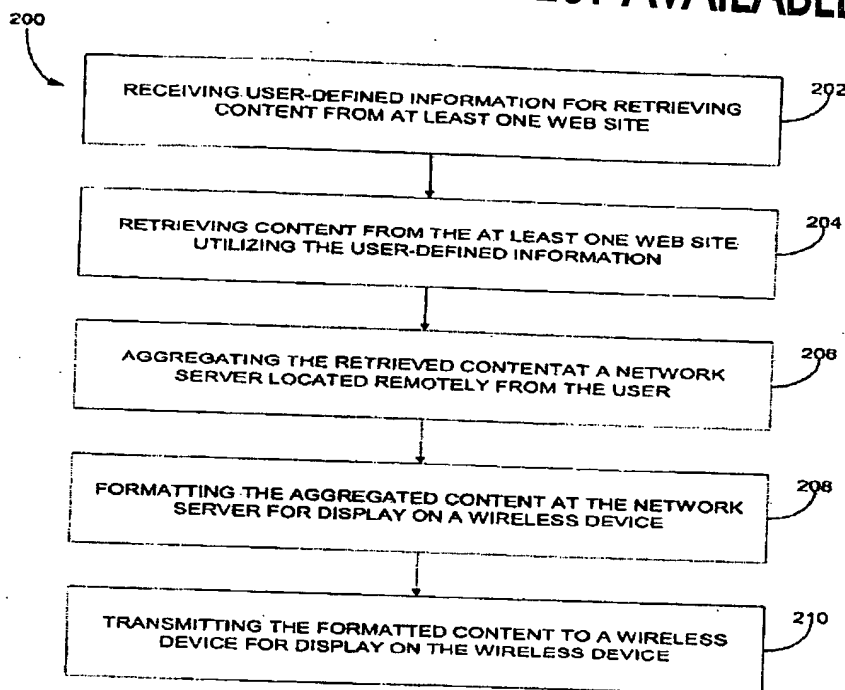
II. **Khan teaches a network gateway to format existing Internet content, not a visual server that generates a modified image based upon the image-modifying data and transmits the modified image as compressed data.**

Examiner further suggests that Khan *"generates a modified image based upon the image-modifying data (204, fig. 3; col. 10, lines 44 -57; Khan discloses wherein the user-defined information (image modifying data) is used to retrieve content from one or more web sites, where the network server acts as a gateway through which any content from the world wide web is collected and converted into a format amenable to the wireless device), and transmits the modified image as compressed data (col. 11, lines 1 - 3; col. 15, lines 46 - 51"*.

Examiner correctly points out that the Khan patent discloses a method by which data is obtained from a server, formatted, and transmitted. This process is illustrated in figure 2 of the Khan reference, reproduced below:

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RECEIVING USER-DEFINED INFORMATION FOR RETRIEVING
     CONTENT FROM AT LEAST ONE WEB SITE                          202
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RETRIEVING CONTENT FROM THE AT LEAST ONE WEB SITE
     UTILIZING THE USER-DEFINED INFORMATION                      204
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AGGREGATING THE RETRIEVED CONTENT AT A NETWORK
    SERVER LOCATED REMOTELY FROM THE USER                        206
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FORMATTING THE AGGREGATED CONTENT AT THE NETWORK
    SERVER FOR DISPLAY ON A WIRELESS DEVICE                      208
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TRANSMITTING THE FORMATTED CONTENT TO A WIRELESS
    DEVICE FOR DISPLAY ON THE WIRELESS DEVICE                    210
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This diagram shows how in the Khan reference, all information to be sent to the client must first be obtained through pre-existing data found on the Internet. Khan implicitly acknowledges this limitation when it notes that the information available to the client is retrieved from "one or more web sites."

Thus, Examiner's argument interprets the "formatting" step of Khan's Fig. 2 to be equal to the claim language of "generates a modified image based upon the image-modifying data." Applicant respectfully submits that the "formatting" does not teach or suggest these claim limitations.

The present invention discloses in one of many embodiments that:

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"the visual server determines the graphic API, based upon the image modifying data receiving, and then generates the corresponding modified image based upon the image-modifying data received from the client."[6] "The visual server can also run standard software application, such as games, that are the same as versions running on standard personal computers, with the visual server providing the computing power of the PC to the data generated at the client for purposes of image modification."[7]

Khan, however, is a *"network server [that] acts as a gateway through which any content from the World Wide Web is collected and converted into a format amenable to the wireless device."*[8] Therefore, the present application is intended to create content, while the Khan reference is limited to the formatting of existing content.

Moreover, the Examiner characterizes the phrase "image modification" to mean something other than what the Khan reference teaches or suggests. The Khan reference only teaches or suggests changes to images made by a network server to the format of an image. This is clearly stated in the following passage from Khan:

> *"The network server acts as a gateway through which any content from the world wide web is collected and converted into a format amenable to the wireless device."*[9]

However, the present innovation generates **a modified image based upon the image-modifying data**, where the image modifying data is "corresponding

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[6] Application, Pg. 9, *ll.* 27-30
[7] Application, Pg. 8, *ll* 27-30
[8] Khan, Col. 10, *ll.* 51-55
[9] Khan, Col 10 *ll.* 52-55

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to a generating image," as claimed in claim 1. The present invention does not simply reformat the original image, as Khan teaches. This distinction is made clear by the following passage from the present application:

> "In operation of the image display system, the visual server selectively <u>receives image-modifying data from the client corresponding to a generated image</u>, such as that generated by a game being played on the client, or a multimedia application being executed on the client. The visual server then generates a modified image based upon the image modifying data."[10] [emphasis added.]

Therefore, it is respectfully submitted that the cited Khan reference does not teach or suggest the claimed limitation of "a visual server having image processing capabilities wherein the visual server selectively receives image-modifying data corresponding to a generated image, generates a modified image based upon the image-modifying data, and transmits the modified image as compressed data," as claimed in at least claim 1.

Examiner goes on to note that *"Khan discloses the use of transmitting to a wireless device for display on the wireless device the formatted content); and at least one client (302, fig. 3) in selective communication with the visual server (304, fig. 3; col. 11, lines 37 - 41), the client including an image display (col. 11, lines 54 - 64), the client further selectively generating image-modifying data and transmitting the image-modifying data to the visual server (col. 10,*

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[10] Application, Pg. 7 *ll.* 21-25

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lines 27 - 50; Khan discloses that a user is allowed to provide information that specifies general or specific content (image-modifying data) to be retrieved for online or offline viewing), and the client receiving as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompressing the compressed image data, and displaying the decompressed image on the client image display (col. 15, lines 46-62; col. 15, line 63 through col. 16, line 47; Khan discloses that the client application itself is charged with responsibility to decompress data for presentation. Applicants should duly note that various graphical images are transmitted to browser applications and compressed using various lossee or lossless algorithms to substantially reduce the transmitted data size)."

Examiner is correct that Khan allows for the transmission of existing data. However, applicant reiterates that this is simply a retransmission rather than the creation of new content as with the present application.

Examiner has also rejected claim 9 under 102(e).   For the purpose of discussion, claim 9 (as amended) is reproduced below:

> A visual server having image processing capabilities, wherein the visual server selectively receives from one or more clients image-modifying data corresponding to a generated image, generates a modified image based upon the image-modifying data, and transmits the modified image as compressed data to the one or more transmitting clients.

In the Examiner's rejection of claim 9, Examiner notes that *"Khan teaches a visual server (304, fig. 3) having image processing capabilities, wherein the server selectively receives from one or more clients image-modifying data corresponding to a generated image (202, fig. 3; col. 10, line 44; Khan discloses the use of receiving (in operation 202) a user-defined information (image modifying data)), generates a modified image based upon the image-modifying data (204, fig. 3; col. 10, lines 44 -57; Khan discloses wherein the user-defined information (image modifying data) is used to retrieve content from one or more web sites, where the network server acts as a gateway through which any content from the world wide web is collected and converted into a format amenable to the wireless device), and transmits the modified image as compressed data to the transmitting client (col. 10, lines col. 11, lines 1 -3; col. 15, lines 46-51; Khan discloses the use of transmitting to a wireless device for display on the wireless device the formatted content)."*

Examiner's rejection of claim 9 is the same as Examiner's rejection of claim 1; therefore, Applicant respectfully reiterates all arguments made under the rejection of claim 1.

Examiner has also rejected claim 14 under 102(e). For the purpose of discussion, claim 14 (as amended) is reproduced below:

> A method of displaying an image on a client in selective communication with a visual server, comprising the steps of:

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generating image-modifying data at the client, the client including an image display, and the image-modifying data corresponding to a generated image;

transmitting the image-modifying data from the client to the visual server, the visual server having image processing capabilities;

receiving at the visual server image-modifying data from the client;

generating at the visual server a modified image based upon the image-modifying data received from the client;

transmitting the modified image from the visual server to the client as compressed data;

receiving at the client as compressed data from the visual server an image modified based upon the transmitted image-modifying data;

decompressing the compressed image data at the client; and

displaying the decompressed image on the client image display.

Examiner asserts that, in the rejection of claim 14, "*Khan teaches a method of displaying an image on a client (302, fig. 3) in selective communication with a visual server (304, fig. 3; col. 11, lines 37- 41) comprising the steps of generating image-modifying data at the client (col. 10, lines 27 - 32)*".

Examiner continues to assert that, "*Khan discloses that a user is allowed to provide information that specifies general or specific content (image modifying data) to be retrieve for online or offline viewing) ... and the image-modifying data corresponding to a generated image (col. 10, lines 32 - 50); transmitting the image-modifying data from the client to the visual server, the visual server having image processing capabilities (col. 10, lines 27 - 50; Khan*

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discloses that the user- defined information is received in operation 202 and in operation 204 is used to retrieve content from one or more web sites. "

Examiner's rejection of claim 14 is the same as Examiner's rejection of claim 1; therefore, Applicant respectfully reiterates all arguments made under the rejection of claim 1.

Examiner has also rejected claim 23 under 102(e). For the purpose of discussion, claim 23 (as amended) is reproduced below:

> A method of providing an image from a_visual server to a client in selective communication with the visual server, comprising the steps of:
> receiving at the visual server image-modifying data from the client;
> generating at the visual server a modified image based upon the image-modifying data received from the client; and
> transmitting the modified image from the visual server to the client as compressed data.

In the rejection of claim 23, Examiner asserts that "*Khan discloses wherein the user-defined information (image modifying data) is used to retrieve content from one or more web sites, where the network server acts as a gateway through which any content from the world wide web is collected and converted into a format amenable to the wireless device); and transmitting the modified image from the visual server to the client as compressed data (col. 10, lines col. 11, lines 1 - 3; col. 15, lines 46-51; Khan discloses the use of transmitting to a wireless device for display on the wireless device the formatted content). "*

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Examiner's rejection of claim 23 is the same as Examiner's rejection of claim 1; therefore, Applicant respectfully reiterates all arguments made under the rejection of claim 1.

Therefore, all independent claims are allowable, and all dependant claims are therefore allowable. In addition, the dependant claims found within this application are allowable on their own merits.

One example of the allowable material of the dependant claims may be found in the rejected claim 5, which is reproduced below:

> The system of claim 1, wherein the visual server transmits the modified image to the client as a frame.

The examiner has asserted that "Khan teaches the system of claim 1, wherein the visual server transmits the modified image to the client as a frame (col. 14, lines 3 - 6)."

The cited reference is referring to a "*generally conventional video graphics controller*"[11] used in a single device not the transmission of a frame from one visual server to a client. This passage in the cited art refers to the "the internal electronic control system of the wireless device",[12] not the disclosed system where the **visual server transmits the modified image to the client as a frame.**

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[11] Khan, Col. 13, *ll.* 63.
[12] Khan, Col. 13, *ll.* 11-13.

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Conclusion

Thus, all grounds of rejection and/or objection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. The Examiner is requested to telephone the undersigned attorney or Patrick Holmes for an interview to resolve any remaining issues.

Respectfully submitted,

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